

**REMARKS**

Claims 50-70 are currently pending in the subject application, and are presently under consideration. Claims 50, 52-54, 56, 57, 59, 60, 62, 63, 65, and 67-69 are rejected. Claims 51, 55, 58, 61, 64, 66, and 70 have been indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

**I. Rejection of Claims 50, 52-54, 56, 57, 59, 60, 62, 63, 65, and 67-69 Under 35 U.S.C. §102(e)**

Claims 50, 52-54, 56, 57, 59, 60, 62, 63, 65, and 67-69 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,317,420 to Schiff ("Schiff"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Representative for Applicant respectfully submits that, in the Response to the Office Action dated April 5, 2005, filed August 3, 2005, Representative for Applicant submitted a Declaration under 35 C.F.R. §1.131 presenting facts sufficient to antedate U.S. Patent No. 6,650,630 to Haartsen ("Haartsen"). Haartsen has a filing date of June 25, 1999. Representative for Applicant further respectfully submits that Schiff also has a filing date of June 25, 1999. Accordingly, it has been established that the Present Application has a date of conception prior to the effective date of Schiff of June 25, 1999. Furthermore, diligence from the conception to the constructive reduction to practice on March 1, 2000 for the Present Application has also been established. Accordingly, in view of the above arguments, the Declaration under 37 CFR §1.131 is entitled to antedate Schiff. Therefore, claims 50, 52-54, 56, 57, 59, 60, 62, 63, 65, and 67-69 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

Representative for Applicant further respectfully submits that Representative for Applicant did not earlier present the Declaration under 35 C.F.R. §1.131, as effective to antedate Schiff, because the Office Action dated April 19, 2006, is the first rejection of the claims of the Present Application under Schiff.

**II. Objection to claims 51, 55, 58, 61, 64, 66, and 70**

Claims 51, 55, 58, 61, 64, 66, and 70 have been objected to as depending from a rejected claim. Representative for Applicant respectfully submits that claims 50, 56, 62, and 67, from which claims 51, 55, 58, 61, 64, 66, and 70 depend, respectively, should be allowed over the cited art for the reasons described above. Therefore, claims 51, 55, 58, 61, 64, 66, and 70 should also be allowed over the cited art. Withdrawal of the objection to claims 51, 55, 58, 61, 64, 66, and 70 is respectfully requested.


**CONCLUSION**

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

Date 6-13-06

  
\_\_\_\_\_  
Christopher P. Harris  
Registration No. 43,660

CUSTOMER No.: 26,294

TAROLLI, SUNDHEIM, COVELL, & TUMMINO L.L.P.  
1300 EAST NINTH STREET, SUITE 1700  
CLEVELAND, OHIO 44114  
Phone: (216) 621-2234  
Fax: (216) 621-4072